

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|----------------------|--|---|---|
| Appln. No.:          | 09/735,141   | ) | <b>Confirmation No. 5535</b>  |
| Filed:               | December 12, 2000  | ) |   |
| Applicant(s):        | Fitzgibbon et al.  | ) | This Notice of Appeal is being electronically filed with the USPTO's EFS-WEB, on this date, March 27, 2007. |
| Title:               | Garage Door Operator Having Thumbprint Identification System | ) |   |
| Art Unit:            | 2612   | ) |   |
| Examiner:            | Zimmerman, Brian A.  | ) |   |
| Attorney Docket No.: | 70333  | ) |   |
| Customer No.:        | 22242  | ) |   |

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated September 28, 2006 rejecting claims 1-11 and 13.

☒ The fee for this Notice of Appeal is \$ 500.00 (37 CFR §41.20(b)(1)).

☒ Charge \$ 500.00 to Deposit Account No. 06-1135.

Application No. 09/735,141  
Notice of Appeal dated March 27, 2007  
Reply to the Office action of September 28, 2006

☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefore, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefore), or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: March 27, 2007

/James P. Krueger/  
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